

REMARKS

1. Present Status of Patent Application

In response to the final office action dated July 26, 2005, Applicants respectfully request reconsideration based on the foregoing amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

2. Examiner Interview

Applicants first wish to express their sincere appreciation for the time that Examiner Duran spent with Applicants' Attorney, Charles Griggers, during a telephone discussion on September 12, 2005 regarding the outstanding Office Action and the cited references. During that conversation, potential amendments and arguments were discussed in relation to the cited art. A consensus was not reached toward the merits of these amendments and arguments. Thus, Applicants respectfully request that Examiner Duran carefully consider this response and the amendments contained herein.

3. Cancellation of Claims 1-20

Claims 1-20 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejections and objections to these claims are rendered moot. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

4. Newly Added Claims 21-40

New claims 21-30 are allowable over the cited art of record for at least the reasons that the cited art, including *Bandera* (U.S. Patent No. 6,332,127) and *Goldhaber* (U.S. Patent No. 5,794,210), fails to teach or suggest at least "sending first information about a location of the user to a content provider that provides web content to the wireless communication device," "sending an indication to the content provider when the location is continuously changing," and "selecting a first one of the plurality of location-specific advertisements that is associated with the location of the user and is desired to be sent to the user at a stable location that is not continuously

changing," as recited in claim 21. Therefore, claim 21 and claims 22-30 (which depend from claim 21) are patentable over the cited art.

Likewise, claims 31-40 are allowable over the cited art of record for at least the reasons that the cited art fails to teach or suggest at least "receiving first information about a location of the user," "receiving an indication when the location of the user is continuously changing," and "selecting one of the plurality of location-specific advertisements based on one or more criteria pre-selected by the user, including a criteria for sending advertisements to the user when the user's location is continuously changing," as recited in claim 31. Accordingly, claim 31 and claims 32-40 (which depend from claim 31) are patentable over the cited art.


Additionally and notwithstanding the foregoing reasons for allowability, claims 21-40 recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. For at least these reasons, claims 21-40 should be allowed.

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendment and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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